IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

Crl.Rev.Pet.No. 3320 of 2007()

CRA.183/2007 of SESSIONS COURT, KOZHIKOE
CP.37/2005 of JUDL.MAGISTRATE OF FIRST CLASS, PERAMBRA
(MC. 66 /2006)

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REVN. PETITIONER:

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1. KHADEEJA, D/O.ABDULLA, AGED ABOUT 38 ,
THONDIPURATH HOUSE, MENHANNIAM AMSOM, DESOM,

2. RABIYA, D/O.KUNHABDULLA, AGED ABOUT
40 YEARS, PARVEEN VAZHAYIL HOUSE,
MENHANNIAM AMSOM, DESOM.

BY ADV. SRI.JIJI THOMAS

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl. R.P. No. 3320 OF 2007

Dated this the 25th day of September, 2007

O R D E R

Revision petitioners, who are two ladies, were the sureties for the 2nd accused in C.P.No.37/05 on the file of the Sessions Court, Kozhikode for offences punishable under sections 143, 147, 148, 341, 323 and 308 read with section 149 IPC. The bond amount was Rs.20,000/- each. Consequent on the non-appearance of the accused before the court, proceedings were initiated against the revision petitioners under section 446 Cr.P.C. Their only defence was that the 2nd accused continues to be absconding which is not an excuse available to them. JFCM-I, Perambra considering the fact that the revision petitioners pleaded for mercy contending that they have no source of income, ordered them to pay a penalty of Rs.7,500/-. On appeal preferred by the revision petitioners as Crl.Appeal No.183/07 the Sessions Court, Kozhikode dismissed the same holding that further leniency in favour of the revision petitioners could only be

misplaced liberalism. It is the said judgment which is assailed in this revision.

2. Considering the fact that the revision petitioners are both ladies and the further fact that they are hard pressed for money, I am of the view that some more reduction in the penalty is warranted. Accordingly, as against the sum of Rs.7,500/- each of the revision petitioners shall pay a penalty of Rs.5,000/-(Rupees five thousand only) and if the realisation of the penalty is ultimately found to be impracticable each of them shall undergo imprisonment in civil prison for four months.

This revision is disposed of as above.

(V. RAMKUMAR, JUDGE)

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